

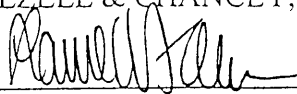
STATE OF ALABAMA ) IN THE CIRCUIT COURT OF  
VS. ) RUSSELL COUNTY, ALABAMA  
JERRY E. WHITLEY ) CASE NOS.: CC 02-186, -187, -188

**MOTION TO WITHDRAW**

Comes now attorney for the Defendant in the above styled cases, and moves the Court to allow her to withdraw from representation and appoint an attorney to represent him on appeal.

WHEREFORE, the undersigned respectfully requests that the Court allow her to withdraw as attorney of record.

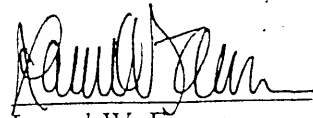
This the 31<sup>st</sup> Day of January, 2003.

EZELL & CHANCEY, LLP  
By:   
Laurel W. Farrar  
Attorneys for Defendant  
1200 8<sup>th</sup> Avenue  
P. O. Drawer 2500  
Phenix City, AL 36868-2500  
(334) 297-2400  
Attorney Code FAR-036

FILED IN OFFICE  
JAN 21 PM 3:52  
2003

CERTIFICATE OF SERVICE

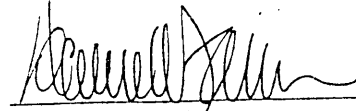
I hereby certify that I am attorney for the defendant and that I have served a copy of the within and foregoing Motion to Withdraw upon the District Attorney of Russell County, Alabama, by placing a copy thereof in a receptacle held in his name in the Office of the Clerk of this Court, this <sup>21<sup>st</sup></sup> day of January, 2003.

  
\_\_\_\_\_  
Laurel W. Farrar

FILED IN OFFICE  
JAN 21 PM 3:51

CERTIFICATE OF SERVICE

I hereby certify that I am attorney for the defendant and that I have served a copy of the within and foregoing Motion to for Designation of Indigency upon the District Attorney of Russell County, Alabama, by placing a copy thereof in a receptacle held in his name in the Office of the Clerk of this Court, this ~~21<sup>st</sup>~~ day of January, 2003.

  
\_\_\_\_\_  
Laurel W. Farrar

## A. GENERAL INFORMATION:

☒ CIRCUIT COURT ☐ DISTRICT COURT ☐ JUVENILE COURT OF RUSSELL COUNTY  
JERRY EUGENE WHITLEY, Appellant

v. ☒ STATE OF ALABAMA ☐ MUNICIPALITY OF \_\_\_\_\_

Case Number <u>CC-02-186,187,188</u>	Date of Complaint or Indictment <u>01/16/02</u>	Date of Judgment/Sentence/Order <u>01/14/03</u>
Number of Days of Trial/Hearing <u>2</u> Days	Date of Notice of Appeal Oral: <u>01/14/03</u>	Written: <u>01/14/03</u>
Indigent Status Requested: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Indigent Status Granted: <input type="checkbox"/> Yes <input type="checkbox"/> No

## B. REPRESENTATION:

Is Attorney Appointed or Retained? <input checked="" type="checkbox"/> Appointed <input type="checkbox"/> Retained.	If no attorney, will appellant represent self? <input type="checkbox"/> Yes <input type="checkbox"/> No
Appellant's Attorney (Appellant if pro se) (Attach additional pages if necessary) <u>LAUREL W. FARRAR (trial)</u>	Telephone Number <u>334 297-2400</u>
Address <u>P.O. Drawer 2500</u>	City <u>Phenix City</u>
State <u>AL</u>	Zip Code <u>36868-2500</u>

## C. CODEFENDANTS: List each CODEFENDANT and the codefendant's case number.

Codefendant <u>Caylene E. White</u>	Case Number <u>CC 2002-110,41</u>
Codefendant <u>Wayne Meadows</u>	Case Number <u>CC 2002-179,180</u>
Codefendant <u>Steven D. Moseson</u>	Case Number <u>CC 2002-160</u>

## D. TYPE OF APPEAL: Please check the applicable block.

- |  |  |  |   |
|--|--|--|---|
| 1 <input checked="" type="checkbox"/> State Conviction | 4 <input type="checkbox"/> Pretrial Order        | 7 <input type="checkbox"/> Juvenile Transfer Order | 10 <input type="checkbox"/> Other (Specify) _____ |
| 2 <input type="checkbox"/> Post-Conviction Remedy      | 5 <input type="checkbox"/> Contempt Adjudication | 8 <input type="checkbox"/> Juvenile Delinquency    |   |
| 3 <input type="checkbox"/> Probation Revocation        | 6 <input type="checkbox"/> Municipal Conviction  | 9 <input type="checkbox"/> Habeas Corpus Petition  |   |

## E. UNDERLYING CONVICTION/CHARGE: Regardless of the type of appeal checked in Section D, please check the box beside each offense category for which the appellant has been convicted or charged as it relates to this appeal. Also include the applicable section of the Code of Alabama for State convictions.

- |   |  |   |
|---|--|---|
| 1 <input type="checkbox"/> Capital Offense - § _____                        | 6 <input checked="" type="checkbox"/> Trafficking in Drugs - § <u>13A-12-231</u> | 11 <input type="checkbox"/> Fraudulent Practices - § _____  |
| 2 <input type="checkbox"/> Homicide - § _____                               | 7 <input type="checkbox"/> Theft - § _____                                       | 12 <input type="checkbox"/> Offense Against Family - § _____  |
| 3 <input type="checkbox"/> Assault - § _____                                | 8 <input type="checkbox"/> Damage or Intrusion to Property - § _____             | 13 <input type="checkbox"/> Traffic - DUI - § _____   |
| 4 <input type="checkbox"/> Kidnapping/Unlawful Imprisonment - § _____       | 9 <input type="checkbox"/> Escape - § _____                                      | 14 <input type="checkbox"/> Traffic - Other - § _____   |
| 5 <input checked="" type="checkbox"/> Drug Possession - § <u>13A-12-212</u> | 10 <input type="checkbox"/> Weapons/Firearms - § _____                           | 15 <input checked="" type="checkbox"/> Miscellaneous (Specify):<br><u>Resist Arrest - § 13A-10-41</u> |

## F. DEATH PENALTY:

Does this appeal involve a case where the death penalty has been imposed? ☐ Yes ☒ No

## G. TRANSCRIPT:

- Will the record on appeal have a reporter's transcript? ☒ Yes ☐ No
- If the answer to question "1" is "Yes," state the date the Reporter's Transcript Order was filed. 01/23/03 (Date)
- If the answer to question "1" is "No":
  - Will a stipulation of facts be filed with the circuit clerk? ☐ Yes ☐ No
  - Will the parties stipulate that only questions of law are involved and will the trial court certify the questions? ☐ Yes ☐ No

NOTE: If the appeal is from the district or juvenile court and the answer to question "1" is "No," then a positive response is required for question 3(a) or 3(b).

H. POST-JUDGMENT MOTIONS: List all post judgment motions by date of filing, type, and date of disposition (whether by trial court order or by the provisions of Rules 20.3 and 24.4 (ARCrP)):

DATE OF FILING			TYPE OF POST-JUDGMENT MOTION	DATE OF DISPOSITION		
Month	Day	Year		Month	Day	Year

I. NATURE OF THE CASE: Without argument, briefly summarize the facts of the case.

J. ISSUE(S) ON APPEAL: Briefly state the anticipated issues that will be presented on appeal. (Attach additional pages if necessary.)

K. SIGNATURE:

Date

Signature of Attorney/ Party Filing this Form

APPELLANT

JERRY EUGENE WHITLEY

v. APPELLEE

STATE OF ALABAMA

Civil Action Number

Trial Judge

GEORGE R. GREENE

Court Reporter

County

RUSSELL

Date of Notice of Appeal

1/14/03 / 1/17/03

ORAL &amp; WRITTEN

PART I. TO BE COMPLETED AND FILED WITH THE COURT REPORTER BY APPELLANT WITHIN 7 DAYS OF THE FILING OF THE  
NOTICE OF APPEAL.A. Request is hereby made to the reporter for a transcript of the following proceedings (give particulars):  
NOTE: Exhibits are included in the clerk's record and need not be specified - see Rule 10(b)(1), A.R.App.p.☒ Entire Transcript☐ Testimony of Plaintiff☐ Testimony of Defendant☐ Testimony of Witness \_\_\_\_\_☐ Testimony of Witness \_\_\_\_\_☐ Oral Charges to the Jury☐ Objection to Oral Charge☐ Objection to Refused Requested Written

Charge(s). Numbers \_\_\_\_\_

☐ Others: \_\_\_\_\_

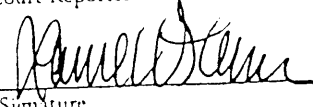
NOTE: Unless the entire transcript is ordered, appellant must attach a statement of the issues to Pages 4 and 5.

B. I CERTIFY that I HAVE paid the Court Reporter the estimated cost of transcribing that part of the proceedings I have deemed necessary to  
be included in the record.

Date

1/23/03

Signature



Telephone Number

334-297-2400

NOTE: Upon Completion of PART I, Appellant should distribute pages as follows:

\* Pages 1, 2 and 3 - Court Reporter    Page 4 - Trial Court    Page 5 - Appellee    Page 6 - Retained by Appellant

PART II. TO BE COMPLETED BY COURT REPORTER ON SAME DATE TRANSCRIPT PURCHASE ORDER IS RECEIVED.

A. Date Transcript Purchase Order Received

Estimated Completion Date

Estimated Number of Pages )

Estimated Cost

B. I CERTIFY THAT ☐ I HAVE ☐ I HAVE NOT (check one) been paid the estimated cost of the transcript.

Date

Signature

Telephone Number

NOTE: Upon Completion of PART II, Court Reporter should distribute pages as follows:

\* Pages 1 and 2 - Retained by the Court Reporter    Page 3 - Transmitted to the Appropriate Appellate Court on Same Date Transcript Purchase Order is Received.

PART III. CERTIFICATE OF COMPLETION OF REPORTER'S TRANSCRIPT.

NOTE: This is to be completed by court reporter on date of filing of transcript in trial court. On the day of completion, this certificate must be forwarded to the appropriate appellate court (Page 2) and copies thereof shall be served on the clerk of the trial court and each of the parties.

I CERTIFY that I have this date completed and filed with the clerk of the trial court the original of a true and correct transcript of the evidence and matters designated by the parties. All pages are numbered serially in the upper right corner of the pages, prefaced by an index, and ending with the following number: \_\_\_\_\_

I CERTIFY that photocopies of this certificate are this date being served on the clerk of the trial court and each of the parties, along with a copy of the index (with copies of the transcript as ordered).

Dated this \_\_\_\_\_ day of \_\_\_\_\_

Court Reporter

NOTE: Upon Completion of PART III, Court Reporter should distribute pages as follows:

\* Page 1 - Retained by the Court Reporter    Page 2 - Transmitted to the Appropriate Appellate Court

• Distribution Code:

Page 1: White

Page 2: Blue

Page 3: Green

Page 4: Canary

Page 5: Pink

Page 6: Goldenrod

## IN THE CIRCUIT COURT OF RUSSELL COUNTY, ALABAMA

STATE OF ALABAMA,  
Plaintiff,

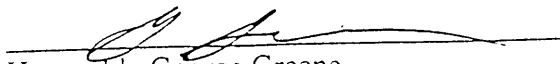
vs.

JERRY E. WHITLEY,  
Defendant.CRIMINAL CASE NUMBER  
CC-02-186-188FILED IN OFFICE  
FEB 21, AM 8:06  
RUSSELL CO., ALORDER ON MOTION TO WITHDRAW AND  
APPOINTING COUNSEL ON APPEAL

Upon consideration of the Motion to Withdraw filed by the attorney for the defendant in the above-stated cause, the Court is of the opinion that the same is due to be granted.

IT IS, THEREFORE, ORDERED that Laurel W. Farrar, attorney, be, and hereby is, allowed to withdraw from representation, and that the Hon. Chuck Floyd, attorney, be, and is, hereby appointed to represent the defendant on appeal.

SO ORDERED, this the 20 day of Feb, 2003.

  
Honorable George Greene  
Judge, Russell County Circuit Court



Form C-10 Page 2 of 2 Rev. 2/95

Monthly Expenses: (cont'd page 1)  
 Credit Card Payment(s)  
 Educational/Employment Expenses  
 Other Expenses (be specific)

Sub-Total

B. Child Support Payment(s)/Alimony

Sub-Total

C. Exceptional Expenses

TOTAL MONTHLY EXPENSES (add subtotals from A &amp; B monthly only)

A \$ None\$ 90 weeklyB \$ None\$ None\$ None

Total Gross Monthly Income Less total monthly expenses:

DISPOSABLE MONTHLY INCOME

\$ None

## 4. LIQUID ASSETS:

Cash on Hand/Bank (or otherwise available such as stocks, bonds, certificates of deposit)

Equity in Real Estate (value of property less what you owe)

Equity in Personal Property, etc. (such as the value of motor vehicles, stereo, VCR, furnishing, jewelry, tools, guns, less what you owe)

Other (be specific)

Do you own anything else of value? ☐ Yes ☒ No

(land, house, boat, TV, stereo, jewelry)

If so, describe

TOTAL LIQUID ASSETS

\$ None

## 5. Affidavit/Request

I swear or affirm that the answers are true and reflect my current financial status. I understand that a false statement or answer to any question in the affidavit may subject me to the penalties of perjury. I authorize the court or its authorized representative to obtain records of information pertaining to my financial status from any source in order to verify information provided by me. I further understand and acknowledge that, if the court appoints an attorney to represent me, the court may require me to pay all or part of the fees and expenses of my court-appointed counsel.

Sworn to and subscribed before me this

\_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

Judge/Clerk/Notary

Affiant's Signature

Print or Type Name

## ORDER OF COURT

## SECTION II.

IT IS THEREFORE, ORDERED, AND ADJUDGED BY THE COURT AS FOLLOWS:

- ☐ Affiant is not indigent and request is DENIED.  
☐ Affiant is partially indigent and able to contribute monetarily toward his/her defense; therefore defendant is ordered to pay \$ \_\_\_\_\_ toward the anticipated cost of appointed counsel. Said amount is to be paid to the clerk of court or as otherwise ordered and disbursed as follows:  
☐ Affiant is indigent and request is GRANTED.  
☐ The prepayment of docket fees is waived.

IT IS FURTHER ORDERED AND ADJUDGED that Charles Floyd III, is hereby appointed as counsel to represent defendant.

IT IS FURTHER ORDERED AND ADJUDGED that the court reserves the right and may order reimbursement of attorney's fees and expenses, approved by the court and paid to the appointed counsel, and costs of court.

Done this 20 day of Feb, 19 2007

Judge

CLERK OF COURT  
 2007 FEB 24 AM 8:12

## IN THE CIRCUIT COURT OF RUSSELL COUNTY, ALABAMA


STATE OF ALABAMA,  
Plaintiff,

vs.

JERRY E. WHITLEY,  
Defendant.CRIMINAL CASE NUMBER  
CC-02-186-188**ORDER DESIGNATING INDIGENCY TO PROCEED  
ON APPEAL IN FORMA PAUPERIS**

The defendant's motion for designation for indigency having been read, and upon defendant's attached affidavit of poverty having been considered, it appears that the said defendant, Jerry E. Whitley, is indigent, and because of his poverty unable to prosecute his appeal and is without funds to pay an attorney for said appeal. Whereupon, the Court does hereby designate defendant, Jerry E. Whitley, because of his poverty, as an indigent and unable to pay an attorney to prosecute this appeal.

SO ORDERED, this the 20 day of Feb, 2003.

  
\_\_\_\_\_  
Honorable George Greene  
Judge, Russell County Circuit Court

FILED IN OFFICE  
2003 FEB 24 AM 8:06  
JERRY E. WHITLEY  
RUSSELL CO., AL

NOTICE OF APPEAL TO THE ALABAMA COURT OF APPEALS  
 BY THE TRIAL COURT CLERK  
 IN THE CIRCUIT COURT OF JUDGE: GEORGE R. GREENE  
 STATE OF ALABAMA VS WHITLEY JERRY EUGENE

APPEAL DATE: 01/14/2003

INDIGENCY STATUS: ☒ YES ☐ NO  
 GRANTED INDIGENCY STATUS AT TRIAL COURT: ☒ YES ☐ NO  
 APP. TRIAL COUNSEL PERMITTED TO W/D ON APPEAL: ☐ YES ☒ NO  
 INDIGENT STATUS REVOKED ON APPEAL: ☐ YES ☒ NO  
 INDIGENT STATUS GRANTED ON APPEAL: ☒ YES ☐ NO

DEATH PENALTY: NO

APPEAL TYPE: STATE CONVICTION

THIS IS AN APPEAL FROM A CONVICTION.

DATE OF CONVICTION: 12/05/2002

DATE OF SENTENCE: 01/14/2003

YOUTHFUL OFFENDER STATUS: DENIED

CO/CASE NUMBER: 57/CC 2002 000188.00  
 CODE: REST CONVICTION: RESISTING ARREST

ACTION: CONVICTED  
 STATUTE: 13A-010-041

SENTENCE: CONF: 00 YRS 06 MOS 000 DAYS  
 SENTENCE: PROB: 00 YRS 00 MOS 000 DAYS

LIFE: NO LIFEWD: NO

POST-JUDGMENT MOTIONS FILED: DT FILED

DT DENIED CON BY AGREE

MOTION FOR NEW TRIAL

MOTION FOR JUDG. OF ACQUIT

MOTION TO W/D GUILTY PLEA

☒ MOTION FOR ATTY TO W/DRAW 01/20/2003

02/24/2003

OTHER

COURT REPORTER(S):

ADDRESS:

WILSON, LINDA S.  
 C/O HON. GEORGE R. GREENE  
 PHENIX CITY, AL 36867

APPELLATE COUNSEL #1:

ADDRESS:

FLOYD CHARLES EDDIE III  
 P. O. BOX 759

PHONE NUMBER:

PHENIX CITY, AL 36868  
 205-297-3378

APPELLATE COUNSEL #2:

ADDRESS:

PHONE NUMBER:

APPELLANT (PRO SE):

ADDRESS:

WHITLEY JERRY EUGENE  
 150 REYNOLDS ROAD  
 FORTSON, GA 318080000

AIS #:

APPELLEE (IF CITY APPEAL):

ADDRESS:

I CERTIFY THAT THE INFORMATION PROVIDED  
 ABOVE IS ACCURATE TO THE BEST OF MY  
 KNOWLEDGE AND I HAVE SERVED A COPY OF  
 THIS NOTICE OF APPEAL ON ALL PARTIES TO  
 THIS ACTION ON THIS 24th DAY OF February, 2003

OPERATOR: SHG  
 PREPARED: 02/24/2003

Kathy Coulter / JAC  
 CIRCUIT COURT CLERK

STATE OF ALABAMA  
PLAINTIFF,  
  
VS.  
  
JERRY WHITLEY  
  
DEFENDANT.

CASE NO.: CC 02-186-188

FILED IN OFFICE  
FEB 27 PM 3:37  
RUSSELL COUNTY, ALABAMAORDER

The Order dated February 20, 2003 granting defendant's motion to proceed on appeal in forma pauperis and appointment of attorney is hereby recalled and set aside as this Order was issued in error. The defendant has retained Hon. Michael Williams, Sr., Attorney for purposes of appeal.

DONE this the 27<sup>th</sup> day of February 2003.

  
JUDGE, CIRCUIT COURT

ALABAMA JUDICIAL DATA CENTER  
 NOTICE OF APPEAL TO THE ALABAMA COURT OF APPEALS  
 BY THE TRIAL COURT CLERK  
 IN THE CIRCUIT COURT OF JUDGE: GEORGE R. GREENE  
 STATE OF ALABAMA VS WHITLEY JERRY EUGENE

APPEAL DATE: 01/14/2003

INDIGENCY STATUS:  
 GRANTED INDIGENCY STATUS AT TRIAL COURT: ☒ YES ☐ NO  
 APP. TRIAL COUNSEL PERMITTED TO W/D ON APPEAL: ☒ YES ☐ NO  
 INDIGENT STATUS REVOKED ON APPEAL: ☒ YES ☐ NO  
 INDIGENT STATUS GRANTED ON APPEAL: ☐ YES ☒ NO

DEATH PENALTY: NO

APPEAL TYPE: STATE CONVICTION

THIS IS AN APPEAL FROM A CONVICTION.

DATE OF CONVICTION: 12/05/2002 DATE OF SENTENCE: 01/14/2003

YOUTHFUL OFFENDER STATUS: DENIED

CO/CASE NUMBER: 57/CC 2002 000188.00 ACTION: CONVICTED  
 CODE: REST CONVICTION: RESISTING ARREST STATUTE: 13A-010-041

SENTENCE: CONF: 00 YRS 06 MOS 000 DAYS LIFE: NO LIFEWD: NO  
 SENTENCE: PROB: 00 YRS 00 MOS 000 DAYS

POST-JUDGMENT MOTIONS FILED: DT FILED DT DENIED CON BY AGREE  
 --- MOTION FOR NEW TRIAL ---  
 --- MOTION FOR JUDG. OF ACQUIT ---  
 --- MOTION TO W/D GUILTY PLEA ---  
☒ MOTION FOR ATTY TO W/DRAW 01/20/2003 02/24/2003  
 --- OTHER ---

COURT REPORTER(S): WILSON, LINDA S.  
 ADDRESS: C/O HON. GEORGE R. GREENE  
 PHENIX CITY, AL 36867

APPELLATE COUNSEL #1: WILLIAMS J MICHAEL SR  
 ADDRESS: P O BOX 1068

PHONE NUMBER: AUBURN, AL 36831  
 205-705-0200

APPELLATE COUNSEL #2:  
 ADDRESS:  
 PHONE NUMBER:

APPELLANT (PRO SE): WHITLEY JERRY EUGENE  
 ADDRESS: 150 REYNOLDS ROAD  
 FORTSON, GA 318080000

AIS #:

APPELLEE (IF CITY APPEAL):  
 ADDRESS:

I CERTIFY THAT THE INFORMATION PROVIDED  
 ABOVE IS ACCURATE TO THE BEST OF MY  
 KNOWLEDGE AND I HAVE SERVED A COPY OF  
 THIS NOTICE OF APPEAL ON ALL PARTIES TO  
 THIS ACTION ON THIS 25th DAY OF February, 2003

OPERATOR: SHG  
 PREPARED: 02/28/2003  
 Kathy Coulter / TW  
 CIRCUIT COURT CLERK

[For Work Performed On or After 10/1/2000]

Mark Appropriate Court:

- Circuit Court of Russell County  
☐ District Court of \_\_\_\_\_ County  
☐ Municipal Court of \_\_\_\_\_  
☐ Alabama Court of Criminal Appeals  
☐ Alabama Court of Civil Appeals  
☐ Supreme Court of Alabama

Indicate if Original Charge is:

- Capital Case (or charge carrying sentence of life without parole)  
Class A Felony  
Class B Felony  
Class C Felony  
Other  
Appeal  
Petition for Writ of Certiorari  
Post-Conviction/Habeas Corpus

Limits

- ☐ (No Limit) CC  
☒ (\$3,500) FA  
☐ (\$2,500) FB  
☒ (\$1,500) FC  
☒ (\$1,000) OT  
☐ (\$2,000) AP  
☐ (\$2,000) WC  
☐ (\$1,000) PC

Attorney Name (Please type or print)

LAUREL W. FARRAR

63-1246664

Social Security Number or FEIN

STYLE OF CASE: ☒ STATE OF ALABAMA

☐ MUNICIPALITY OF \_\_\_\_\_

v. Jerry E. Whitley

Defendant

CHARGE: Trafficking, Possession, Resisting Arrest

Companion case numbers and charges or convictions: \_\_\_\_\_

The undersigned attorney declares that on (date) 2/20/02, the Honorable George R. Greene, Judge, appointed the undersigned to represent the above-named defendant or appellant, and on (date) 12/5/02 the case was heard by the Honorable George R. Greene, Judge. The case was disposed of by Conviction (Plea of guilty, conviction, acquittal, affirmance, reversal, cert. denied)

(1) In-Court Appearance (Trial Level or Post-Conviction Proceeding)	Total Hours <u>18.6</u> x \$ 60.00 per hour = <u>1,116.00</u>
(2) Out-of-Court Preparation (Trial Level or Post-Conviction Proceeding)	Total Hours <u>103.5</u> x \$ 40.00 per hour = <u>4,140.00</u>
(3) Preparation (Appellate Level)	Total Hours _____ x \$ 60.00 per hour = _____
(4) Extraordinary Expenses (If approved in advance by court)	Total Hours <u>122.1</u> x \$ 38.46 Per hour = <u>4,695.97</u>
(5) Overhead Expenses (If approved in advance by court)	TOTAL CLAIM OF ATTORNEY <u>10,538.64</u>

NOTICE TO ATTORNEY: Complete this form. Attach a copy of a complete itemization of (1) in-court appearances; (2) out-of-court preparation; (3) preparation for appeals; (4) extraordinary expenses; and/or (5) overhead expenses reflecting the date of actions and amount of time involved in each activity. Make a copy of same for the court's record and a copy for your records.

The undersigned attorney further declares that the above claim is true and correct and represents the services actually rendered by him/her as an attorney and the amount is due and payable. I further declare that the above claim is not a duplication of charges and expenses in any case (companion or otherwise).

Signature of Attorney

Attorney Code FAR-036

Mailing Address of Attorney (please type or print) (including city, state, and zip code)

EZELL & CHANCEY, LLP

P.O. Drawer 2500, 1200 8th Avenue

Phenix City, AL 36868-2500

Telephone Number (334)297-2400 Fax Number (334)297-3842

Sworn to and subscribed before me this 13th day of February, 2003

Notary Public -

My Commission Expires 11-22-06

I, the undersigned judge, hereby certify that the foregoing claim has been presented to me, and I have reviewed the same and believe the same to be true and correct. I am further of the opinion that said attorney is not duplicating said charges and expenses in any case (companion or otherwise).

Based on the above, I hereby approve the declaration and claim in the amount of \$ 10,538.64

Done this

10 day of

MARCH

2003

Judge's Signature

NOTICE TO ATTORNEY AND JUDGE: Sections 15-12-21 through 15-12-23, Code of Alabama 1975, provide for the payment of attorney fees and extraordinary expenses incurred by counsel appointed to represent indigent defendants at the trial level, on appeal (including petition for writ of certiorari to the Alabama Supreme Court) and in post-conviction proceedings.

THIS FORM MUST CONTAIN ORIGINAL SIGNATURES OF THE ATTORNEY AND THE JUDGE. THIS FORM WITH ATTACHED ITEMIZATION MUST BE SUBMITTED TO THE TRIAL COURT JUDGE OR PRESIDING JUDGE OR CHIEF JUSTICE OF THE APPELLATE COURT FOR APPROVAL. AFTER APPROVAL, FILE WITH THE CLERK, WHO SHALL SUBMIT THE ORIGINAL DECLARATION TO THE STATE COMPTROLLER (EXCEPT IN MUNICIPAL CASES) FOR AUDIT.

Filed in the Clerk's Office at Russell Co, Alabama, on 3/11/03 date

EXCEPT IN MUNICIPAL CASES, MAIL TO: State Comptroller, Indigent Defense Section, P. O. BOX 302602, Montgomery, Alabama 36130-2602

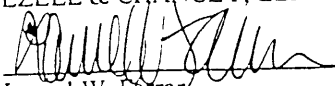
Original: Comptroller

Yellow: Court File

Pink: Attorney

Total In-Court Time	18.6	hours x \$60.00=	1,116.00
Total Out-of-Court Time	103.5	hours x \$40.00=	4,140.00
Overhead Expenses: Overhead	122.1	hours x \$38.46=	4,695.97
Photocopies (correspondence 68; pleadings 570; copies of cases 105)	743.0	copies x 25¢=	185.75
Postage and fax charges	40.0	x 37¢=	14.80
Certified Mail charges	2.0	x \$4.80=	9.60
Mileage to Auburn 10/22/02	78.0	miles @34¢	26.52
Extraordinary Expenses: Independent Laboratory Analyses	2.0	tests x \$75.00	350.00

TOTAL AMOUNT DUE.....10,538.64

EZELL & CHANCEY, LLP  
 By:   
 Laurel W. Farrar  
 Attorneys for Defendant  
 P. O. Drawer 2500  
 Phenix City, AL 36868-2500  
 (334) 297-2400  
 Attorney Code FAR-036



STATE OF ALABAMA,  
Plaintiff,

CRIMINAL CASE NUMBER  
CC-02-186, 187, 188

vs.

JERRY E. WHITLEY,  
Defendant.

ATTORNEY'S FEE DECLARATION

<u>IN-COURT TIME</u>		
DATE	ACTION	TIME
2/20/02	In court - hearing - appointment	0.4
4/9/02	In court - hearing - docket call	0.5
6/19/02	In court - hearing docket call	0.6
6/20/02	In court - motion hearing	1.8
7/29/02	In court - hearing - docket call	0.2
8/26/02	In court - hearing on motion to suppress	1.7
9/4/02	In court - hearing - docket call	3.1
10/16/02	In court - hearing - docket call	0.2
10/23/02	In court - hearing - motion in limine and writ of habeas corpus	0.5
11/19/02	In court - hearing - docket call	0.4
12/2/02	In court - hearing - jury qualification	1.3
12/5/02	In court - trial	7.0
1/14/03	In court - hearing - sentencing	0.9
Total In-Court Time		18.6

<u>OUT-OF-COURT TIME</u>		
DATE	ACTION	TIME
2/20/02	Travel from court	0.2
2/20/02	Preparation of, filing and serving motions	0.5
2/20/02	Review of indictments	0.3
2/22/02	Conference with attorney Rick Chancey, client's attorney at preliminary hearing level	0.3
2/26/02	Receipt and review of orders	0.1
2/27/02	Receipt and review of State's motion for discovery and motion for consolidation of offenses	0.3



OUT-OF-COURT TIME		
DATE	ACTION	TIME
2/28/02	Receipt and review of message from client's brother	0.1
2/28/02	Preparation of motion for reduction of bond	0.4
2/28/02	Conference with D.A.; Receipt and review of discovery and plea offer	0.3
2/28/02	Letter to client	0.4
3/1/02	Review, revise and finalize motion for reduction of bond; filing and serving	0.3
3/4/02	Conference with attorney Rick Chancey	0.4
3/4/02	Receipt and review of order on State's motion for discovery	0.3
3/4/02	Receipt and review of letters from client	0.4
3/4/02	Telephone call from client's brother	0.1
3/5/02	Travel to and from jail for conference with client	1.6
3/8/02	Receipt and review of order denying motion for reduction of bond; forward copy to client	0.2
3/8/02	Legal research re reasonableness of bond	0.5
3/11/02	Telephone conference with Clerk of Court of Criminal Appeals	0.2
3/11/02	Drafting writ of petition for habeas corpus	0.6
3/12/02	Legal research	0.4
3/12/02	Review, revise and finalize petition for writ of habeas corpus	0.5
3/12/02	Filing and service of petition for writ of habeas corpus; letter to client; Receipt and review of letter from client	0.7
3/13/02	Receipt and review of letter from client	0.1
3/14/02	Receipt and review of letter from client	0.1
3/15/02	Receipt and review of letter from client	0.1
3/16/02	Receipt and review of letter from client	0.1
3/18/02	Receipt and review of message from client	0.1
3/20/02	Receipt and review of letter from client	0.1
3/21/02	Receipt and review of order reducing bond amounts	0.1
3/21/02	Receipt and review of order from Court of Criminal Appeals for response to petition for writ of habeas corpus	0.1
3/22/02	Travel to and from jail for conference with client	1.0
3/28/02	Letter to client re bond reduction	0.1
4/2/02	Receipt and review of response to petition for writ of habeas corpus	0.5
4/3/02	Conference with attorney Rick Chancey	0.1

OUT-OF-COURT TIME		
DATE	ACTION	TIME
4/4/02	Telephone call from client's father	0.2
4/4/02	Legal research	0.1
4/9/02	Travel to and from court for docket call	0.3
4/10/02	Receipt and review of Attorney General's motion to accept substitute exhibit to response	0.2
4/10/02	Letter to client with copies of filings	0.4
4/11/02	Receipt and review of Court of Criminal Appeals dismissal of petition for writ of habeas corpus; letter to client with copy	0.1
4/17/02	Telephone conference with client	0.9
4/25/02	Letter to client	0.1
5/23/02	Telephone conference with Buster Landreau	0.2
5/23/02	Receipt and review of State's motion for joinder of defendants at trial	0.1
5/24/02	Preparation of, filing and serving objection to motion for joinder; forward copies of filings to client	0.4
5/24/02	Travel to and from D.A.'s office; review of prosecutor's tapes	2.0
6/4/02	Conference with client; notes	0.6
6/11/02	Telephone conference with D.A.'s office; telephone call to client; notes	0.4
6/11/02	Legal research; drafting motions	0.5
6/13/02	Review, revise and finalize motions; preparation of, filing and serving Motion to Suppress Arrest and Evidence and Search Warrant, Motion to Permit Independent Analysis and Motion for Approval of Extraordinary Expenses; forward copies to client	1.2
6/17/02	Receipt and review of lab report and message from D.A.	0.2
6/17/02	Conference with Buster Landreau	0.8
6/18/02	Legal research re lab/mixture	0.6
6/18/02	Preparation of, filing and serving Motion for Further Analysis of Alleged Controlled Substance and Motion to Exclude Laboratory Report	1.0
6/19/02	Travel to and from court for docket call	0.2
6/19/02	Legal research	1.0
6/19/02	Drafting and filing motions and subpoena requests; deliver subpoenas to Sheriff's office	1.5
6/19/02	Review, revise and finalize, filing and serving Motion to Continue	0.2
6/19/02	Telephone calls to witnesses and a witness's employer re attendance at hearing on 6/20/02	0.2

OUT-OF-COURT TIME		
DATE	ACTION	TIME
6/20/02	Preparation for hearing	0.3
6/20/02	Travel to and from court for hearing	0.3
6/20/02	Conference with client prior to hearing	0.3
6/20/02	Conference with co-defendant's attorney Jeremy Armstrong	0.9
6/20/02	Legal research on issues re sentencing	1.4
6/20/02	Telephone calls to Department of Corrections and Department of Pardons and Paroles	0.6
6/20/02	Letters to witnesses	0.2
6/20/02	E-mail to Department of Corrections	0.3
6/20/02	Telephone call to office of Federal Public Defenders	0.1
6/20/02	Telephone call from Federal Public Defenders; telephone call to Buster Landreau	0.4
6/20/02	Telephone call to Martindale-Hubbell to look for expert witness	0.2
6/20/02	Telephone call to Buster Landreau; telephone call from client	0.2
6/21/02	Travel to and from D.A.'s office to pick up tapes and player	0.5
6/21/02	Conference with client	1.0
6/21/02	Receipt and review of order denying approval of extraordinary expenses	0.1
6/21/02	Preparation of, filing and serving Motion for Reconsideration of motion for extraordinary expenses	.4
6/21/02	Conference with Buster Landreau	0.6
6/25/02	Telephone call from Department of Corrections	0.3
6/25/02	Receipt and review of order denying motion for reconsideration; letter to client	0.2
7/3/02	Telephone call from client	0.4
7/8/02	Telephone calls to Smith-Kline Laboratories	0.3
7/11/02	Receipt of notice of docket call; letter to client; conference with client	0.3
7/16/02	Telephone call from client; notes; telephone calls to Smith-Kline	0.3
7/23/02	Telephone calls to witnesses	0.1
7/24/02	Telephone call to potential expert witness Dr. Hiatt; fax lab report to Dr. Hiatt; telephone call from Dr. Hiatt	0.6
7/25/02	Receipt and review of order to show cost and time for completion of independent analysis	0.1
7/25/02	Telephone call to Buster Landreau; telephone call to client	0.3

<u>OUT-OF-COURT TIME</u>		
DATE	ACTION	TIME
7/26/02	Preparation of, filing and serving Supplemental Information in Support of Motion for Reconsideration of Extraordinary Expenses	0.7
7/29/02	Travel to and from court for hearing, docket call, filing	0.4
7/29/02	Conference with Buster Landreau and conference with client prior to hearing	0.2
7/29/02	Receipt and review of order granting motion for consolidation of cases for trial	0.1
7/31/02	Preparation of proposed order; fax to Dr. Hiatt	0.6
8/6/02	Telephone call to Dr. Hiatt	0.1
8/6/02	Telephone calls to Forensic Sciences, Department of Transportation re method for shipping samples	0.7
8/7/02	Telephone calls to shipping agencies	0.4
8/9/02	Receipt and review of Order for Transport of samples	0.1
8/15/02	Receipt and review of State's motion to amend order for transport	0.5
8/16/02	Preparation of, filing and serving objection to motion to amend order	0.5
8/19/02	Letter to client; telephone call to Buster Landreau; telephone call to Dr. Hiatt	0.3
8/22/02	Conference with attorney Rick Chancey	0.8
8/22/02	Telephone call from client; telephone call from Ed Berry	0.2
8/22/02	Telephone calls to attorneys Joel Collins, Tommy Worthy and Jeremy Armstrong re co-defendants	0.5
8/22/02	Letter to Buster Landreau	0.2
8/23/02	Preparation of, filing and serving motion in limine	0.3
8/23/02	Telephone call from client	0.2
8/23/02	Preparation and delivery of subpoenas; telephone calls and letters to witnesses	1.3
8/23/02	Conference with Clerk; preparation of, filing and serving motion to transport witness Steven Mosseson to suppression hearing; deliver motion	0.8
8/23/02	Telephone conference with client	0.2
8/23/02	Telephone conference with witness Carolyn Martin	0.2
8/23/02	Receipt and review of Buster Landreau and State's Notice of Intent to Seek Sentencing Enhancements	0.1
8/23/02	Conference with attorney Rick Chancey	0.7
8/23/02	Telephone call to Buster Landreau; telephone call to Forensic Science lab	0.3
8/26/02	Preparation for hearing on motion to suppress	1.9

OUT-OF-COURT TIME		
DATE	ACTION	TIME
8/26/02	Telephone call to Jeremy Armstrong; telephone call to client	0.4
8/26/02	Travel to and from court for hearing	0.4
8/26/02	Conference with client prior to hearing	0.2
8/26/02	Conference with client after hearing	0.1
8/28/02	Receipt and review of order denying motion	0.1
8/28/02	Preparation of, filing and serving motion to continue	0.4
9/4/02	Travel to and from court for docket call	0.3
9/4/02	Preparation of motion to set aside writ of arrest and withdraw revocation of bond (client was late for docket call); conference with client's mother; preparation of affidavit for client's mother in support of motion; filing and serving motion	1.0
9/4/02	Telephone conferences with Dr. Hiatt; telephone call to Forensic Science lab	0.3
9/5/02	Preparation of, filing and serving amendment to motion	0.3
9/5/02	Receipt and review of letter from Buster Landreau re shipping samples	0.2
9/18/02	Receipt and review of several letters from client	0.4
9/18/02	Preparation of, filing and serving petition for writ of habeas corpus	0.6
9/23/02	Preparation of, filing and serving motion to compel compliance with order for transport of samples	1.0
9/23/02	Letter to client	0.2
9/23/02	Letter to client; delivery of letter to jail with copies of filings	0.6
9/24/02	Travel to and from jail for conference with client; notes to file	0.5
9/27/02	Receipt and review of State's response to motion to compel	0.3
10/1/02	Preparation of, filing and serving reply to State's response	0.7
10/7/02	Receipt and review of letters from client	0.3
10/9/02	Telephone call from client's mother	0.1
10/10/02	Receipt and review of letter from client	0.3
10/10/02	Receipt and review of order on motion to compel and order setting hearing on motions to set aside writ of arrest and revocation of bond and motion in limine	0.3
10/10/02	Receipt and review of order setting hearing on petition for writ of habeas corpus and order denying motion to compel	0.2
10/10/02	Research best way to ship samples	0.3
10/10/02	Telephone call from Buster Landreau	0.2

<u>OUT-OF-COURT TIME</u>		
DATE	ACTION	TIME
10/11/02	Preparation of, filing and serving motion to continue	0.5
10/11/02	Travel to and from jail for conference with client	0.8
10/11/02	Telephone call to Dr. Hiatt	0.1
10/15/02	Telephone conference with Buster Landreau re obtaining samples from Forensic Sciences	0.3
10/16/02	Travel to and from court for docket call	0.4
10/16/02	Telephone conference with Buster Landreau, receipt and review of plea offer	0.4
10/16/02	Telephone calls from client's father	0.3
10/16/02	Conference with client's uncle, Vince Maci; receipt and review of paper from him	0.4
10/16/02	Travel to and from jail for conference with client to discuss plea offer	0.4
10/16/02	Receipt and review of order setting motion hearing	0.1
10/17/02	Telephone call to Buster Landreau with counteroffer to plea agreement	0.2
10/17/02	Travel to and from jail for conference with client	0.6
10/18/02	Travel to and from jail for conference with client	0.6
10/21/02	Letter to client confirming his rejection of plea offer and options	0.3
10/21/01	Travel to and from jail for conference with client	0.4
10/22/02	Telephone call from client's father	0.1
10/22/02	Travel to and from Forensic Sciences Lab to observe collection and packaging of samples for shipment; telephone call to Federal Express agents to pick up samples; telephone call to Dr. Hiatt with tracking number	3.1
10/22/02	Mailing petition for writ of habeas corpus to Court of Criminal Appeals; filing and serving petition; forward copy to client	0.3
10/23/02	Preparation for hearing	0.4
10/23/02	Travel to and from court for hearing	0.4
10/23/02	Telephone conference with client's father	0.2
10/24/02	Letter to court reporter requesting transcripts of guilty pleas and hearing	0.3
10/24/02	Letter to client concerning status of case	0.4
10/25/02	Attempt to reach Dr. Hiatt; fax letter to Dr. Hiatt to request copy of CV	0.3
10/25/02	Receipt and review of order on motion to reduce bond and motion in limine; letter to client with copies	0.2
10/29/02	Telephone calls from client's father	0.1
10/29/02	Receipt and review of letter from client	0.4



<u>OUT-OF-COURT TIME</u>		
DATE	ACTION	TIME
10/29/02	Response letter to client	0.4
10/30/02	Receipt and review of message from Dr. Hiatt re status of tests	0.1
11/4/02	Telephone call from client's father	0.2
11/4/02	Receipt and review of letter from client	0.2
11/6/02	Receipt and review of Court of Appeals denial of writ of habeas corpus	0.1
11/6/02	Letter to client with copy of order	0.1
11/15/02	Receipt and review of letter from client	0.1
11/15/02	Telephone call from Dr. Hiatt regarding analyses	0.3
11/19/02	Travel to and from court for docket call	0.2
11/21/02	Receipt and review of letter from client	0.1
11/22/02	Receipt and review of telephone messages from client's father	0.1
11/25/02	Receipt and review of letter from client	0.1
11/25/02	Telephone call from court reporter regarding transcripts	0.1
11/26/02	Telephone call and fax to fire department re call on 9/21/02	0.3
11/26/02	Preparation of motions for trial	0.3
11/26/02	Preparation of jury instructions	0.2
11/26/02	Receipt and review of lab reports and Dr. Hiatt's CV	0.5
11/26/02	Copy reports and CV, dictation of letter to Buster Landreau with copies	0.3
11/26/02	Review of various letters from client; legal research; letter to client	1.0
11/26/02	Preparation of, filing and serving subpoena to fire department	0.3
11/26/02	Legal research re witnesses	0.5
12/2/02	Receipt and review of jury list (venire)	0.5
12/2/02	Synthesis and analysis of juror information	1.2
12/2/02	Review and research of venire	1.0
12/2/02	Travel to and from court for jury qualification	0.2
12/2/02	Preparation for trial	4.0
12/3/02	Preparation of, filing and serving motion to continue and motion for extraordinary expenses	0.8
12/3/02	Letter to client with copies of pleadings and documents; hand deliver to jail	0.6
12/3/02	Preparation for trial	8.6

<u>OUT-OF-COURT TIME</u>		
DATE	ACTION	TIME
12/4/02	Receipt and review of D.A.'s motion in limine and response to motion for continuance, motion for extraordinary expenses	0.4
12/4/02	Receipt and review of order on motion to continue	0.1
12/4/02	Preparation for trial	4.7
12/5/02	Travel to and from court	0.4
12/9/02	Receipt and review of orders on motions	0.3
1/13/03	Receipt and review of pre-sentencing report	0.4
1/14/03	Travel to and from court	0.2
1/14/03	Preparation of, filing and serving notice of appeal and motion to appoint appellate counsel	0.6
1/17/03	Receipt and review of Notice of Appeal to the Alabama Court of Criminal Appeals	0.2
1/17/03	Telephone conference with Sherrie Greenlees; notes	0.2
1/21/03	Preparation of, filing and service of Motion to Withdraw Representation and to Appoint Appellate Counsel and motion for indigency status	0.9
1/21/03	Travel to and from courthouse to file documents	0.3
1/23/03	Receipt and completion of docketing statement and transcript purchase order, deliver to clerk	0.5
1/26/03	Receipt and review of Informational Notice to Appellant	0.2
1/27/03	Receipt and review of filed copies of above	0.2
1/28/03	Preparation of and mailing certified request for reimbursement of office overhead expenses	0.5
2/11/03	Follow-up telephone call to Sherrie Greenlees at Russell County Circuit Clerk's office re why indigency status motion not ruled on	0.2
2/11/03	Telephone call to Court of Criminal Appeals re delayed paperwork; advised March 11 deadline to produce transcript	0.1
2/11/03	Dictation of letter to clerk with copies of paperwork from Court file	0.3
2/12/03	Letter to client with all of above information	0.2
2/12/03	Preparation of billing; close file	0.5
Total Out-of-Court Time		103.5

<u>OVERHEAD EXPENSE</u>		
2/20/02	Order Approved	122.1



Terry Whitley  
Appellant's Name

v. State of Alabama  
Appellee

Trial Court Case No. CC 02-186  
CC 02-187  
CC 02-188

Notice of Appeal Date 1/14/03

On appeal from the: ☒ Circuit Court of  
☐ District Court of  
☐ Juvenile Court of

Russell County

I, Linda Wilson, a court reporter in the above referenced case, hereby request a 28- day extension to complete the transcript in said cause for the reasons I have set out below. Currently this transcript is due on 3/11/03, and with this extension the transcript will be due on 4/8/03.

REASONS:

Linda Wilson  
Court Reporter

3/11/03  
Date

### TRIAL COURT ACTION

☒ Upon consideration of the above request, I hereby grant a 28- day extension to complete said transcript, thus extending the transcript's due date to 4/8/03. Upon granting this request, I direct the court reporter to file this order with the Clerk of this Court and to mail or fax a copy hereof to the Clerk of the Court of Criminal Appeals at the address noted below by no later than the transcript due date in effect immediately preceding this order.

☐ The above referenced request for a local extension is denied.

James R. Davis  
Judge's Signature

3/11/03  
Date

Note: Pursuant to Rule 11(c) of the Alabama Rules of Appellate Procedure, local extensions cannot total more than 28 days and cannot be to a date more than 84 days from the date of the notice of appeal.

The Clerk of the Court of Criminal Appeals  
P. O. Box 301555  
Montgomery, Alabama 36130-1555

Fax (334) 242-4689

H. W. "Bucky" McMillan  
Presiding Judge  
SUE BELL COBB  
PAMELA W. BASCHAB  
GREG SHAW  
A. KELLI WISE  
Judges

Case 3:05-cv-00427-MEF-CSC Document 12-12 Filed 07/19/2005  
P.O. BOX 301555  
MONTGOMERY, AL 36130-1555

Page 26 of 50

Lane W. Mann  
Clerk  
Wanda K. Ivey  
Assistant Clerk  
(334) 242-4590  
FAX (334) 242-4689

March 11th, 2003

RE: CR-02-0739

Jerry Eugene Whitley v. State of Alabama (Appeal from Russell Circuit Court: CC02-186; CC02-187; CC02-188).

You are hereby notified that the Court of Criminal Appeals acknowledges that the following action was taken in the above cause by the trial court:

Additional time is granted to certify the completion of reporter's transcript to and including 04/08/2003.

Lane W. Mann, Clerk  
Court of Criminal Appeals

LWM/sm

cc: Honorable George R. Greene, Circuit Judge  
Honorable Kathy S. Coulter, Circuit Clerk ✓  
Linda S. Wilson, Court Reporter  
Honorable J. Michael Williams, Sr., Attorney, Appellant

FILED IN OFFICE  
2003 MAR 13 PM 12:04  
APPELLANT  
APPELLATE CLERK

Fax: (334) 242-4683

The Clerk of the Court of Criminal Appeals  
P. O. Box 301555  
Montgomery, Alabama 36130-1555

Criminal Appeals Case Number

CR 02-0739

v.

State of Alabama

Appellee

Appellant's Name  
Jerry WhitleyTrial Court Case No. CC02-186  
CC02-187  
CC02-188

Notice of Appeal Date

1/14/03

On appeal from the: ☒ Circuit Court of  
☐ District Court of  
☐ Juvenile Court of

Russell County

I, Linda Wilson, a court reporter in the above referenced case,  
hereby request a 28- day extension to complete the transcript in said cause for the reasons  
I have set out below. Currently this transcript is due on 4/8/03, and with this extension  
the transcript will be due on 5/6/03.

REASONS:

Linda Wilson  
Court Reporter4/8/03  
Date

Note: Rule 11(c) of the Alabama Rules of Appellate Procedure prohibits an appellate court from granting an extension if the request is not received by the clerk of the appellate court within the time originally prescribed or before the expiration of an extension previously granted. Based on internal policy of the Court of Criminal Appeals, no more than two 28-day extensions will be granted.

H. W. "Bucky" McMILLAN  
Presiding Judge  
SUE BELL COBB  
PAMELA W. BASCHAB  
TREG SHAW  
KELLI WISE  
Judges

P.O. BOX 301555  
MONTGOMERY, AL 36130-1555

April 8th, 2003

Lane W. Mann  
Clerk  
Wanda K. Ivey  
Assistant Clerk  
(334) 242-4590  
FAX (334) 242-4689

RE: CR-02-0739

Jerry Eugene Whitley v. State of Alabama (Appeal from Russell Circuit Court: CC02-186; CC02-187; CC02-188).

You are hereby notified that the following action was taken in the above cause by the Court of Criminal Appeals:

Additional time is granted to certify the completion of reporter's transcript to and including 05/06/2003.

LWM/sm

Lane W. Mann, Clerk  
Court of Criminal Appeals

cc: Honorable George R. Greene, Circuit Judge  
Honorable Kathy S. Coulter, Circuit Clerk ✓  
Linda S. Wilson, Court Reporter  
Honorable J. Michael Williams, Sr., Attorney, Appellant

FILED IN OFFICE  
2003 APR 10 AM 11:49  
Circuit/DIST. COURT  
RUSSELL CO., ALA

MOTION TO COURT OF CRIMINAL  
APPEALS FOR EXTENSION OF TIME  
TO FILE TRANSCRIPT

Fax: (334) 242-4689

To: The Clerk of the Court of Criminal Appeals  
P. O. Box 301555  
Montgomery, Alabama 36130-1555

Criminal Appeals Case Number

CR 02-0739

Ferry Whitley  
Appellant's Name

v. State of Alabama  
Appellee

Criminal Court Case No. CC02-186  
CC02-187  
CC02-188

Notice of Appeal Date 1/14/03On appeal from the: ☒ Circuit Court of☐ District Court of☐ Juvenile Court of

Russell County

ALL IN OFFICE  
MAY -5 PM:4  
RUSSELL CO. ALA

I, Linda Wilson, a court reporter in the above referenced case,  
hereby request a 28- day extension to complete the transcript in said cause for the reasons  
I have set out below. Currently this transcript is due on 5/6/03, and with this extension  
the transcript will be due on 6/3/03.

REASONS:

Linda Wilson  
Court Reporter

5/5/03  
Date

Note: Rule 11(c) of the Alabama Rules of Appellate Procedure prohibits an appellate court from granting an extension if the request is not received by the clerk of the appellate court within the time originally prescribed or before the expiration of an extension previously granted. Based on internal policy of the Court of Criminal Appeals, no more than two 28-day extensions will be granted.

H. W. "Bucky" McMILLAN  
Presiding Judge  
SUE BELL COBB  
PAMELA W. BASCHAB  
REG SHAW  
A. KELLI WISE  
Judges

OFFICIAL BUILDING, 500 DEXTER AVENUE  
P.O. BOX 301555  
MONTGOMERY, AL 36130-1555

May 5th, 2003

Lane W. Mann  
Clerk  
Wanda K. Ivey  
Assistant Clerk  
(334) 242-4590  
FAX (334) 242-4689

RE: CR-02-0739

Jerry Eugene Whitley v. State of Alabama (Appeal from Russell Circuit Court: CC02-186;  
CC02-187; CC02-188).

You are hereby notified that the following action was taken in the above cause by  
the Court of Criminal Appeals:

Additional time is granted to certify the completion of reporter's transcript to  
and including 06/03/2003.

LWM/sm

Lane W. Mann, Clerk  
Court of Criminal Appeals

cc: Honorable George R. Greene, Circuit Judge  
Honorable Kathy S. Coulter, Circuit Clerk  
Linda S. Wilson, Court Reporter  
Honorable J. Michael Williams, Sr., Attorney, Appellant

RECEIVED  
RUSSELL CIR. CL.  
JUL 19 2005

7-7 AM 11:11

STATE OF ALABAMA  
IN THE CIRCUIT COURT FOR THE COUNTY OF RUSSELL  
TWENTY-SIXTH JUDICIAL CIRCUIT

JERRY E. WHITLEY,

Appellant,

v.

CRIMINAL ACTION

CASE NOS.

CC 02-186, 187, 188

STATE OF ALABAMA,

Appellee.

REPORTER'S INDEX TO EXHIBITS

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ADMITTED</u>
<u>Suppression Hearing</u>		
State's Exhibit 1	Search Warrant	X
<u>Trial</u>		
* State's Exhibit 1	Large Plastic Bag	X
* State's Exhibit 1A	Methamphetamine	X
* State's Exhibit 2	Envelope	X
* State's Exhibit 3	Envelope	X
* State's Exhibit 4	Plastic container	X
* State's Exhibit 5	Large Glass Jar	X
* State's Exhibit 6	Envelope	X
* State's Exhibit 7	Glass Jar	X
* State's Exhibit 8	Glass Jar	X
* State's Exhibit 9	Glass Jar	X
* State's Exhibit 10	Glass Jar	X
* State's Exhibit 11	Plastic Container	X
* State's Exhibit 12	Envelope	X
* State's Exhibit 13	Glass Jar	X
* State's Exhibit 14	Blue Plastic Jug	X
* State's Exhibit 15	Glass Jar	X
State's Exhibit 16	Lab Report	X
State's Exhibit 17	Photo	X
State's Exhibit 18	Photo	X
State's Exhibit 19	Photo	X
State's Exhibit 20	Photo	X
State's Exhibit 21	Photo	X

\* By agreement of parties, returned to  
forensics lab.

State v. Whitley  
Exhibit List Continued

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ADMITTED</u>
State's Exhibit 22	Photo	X
State's Exhibit 23	Photo	X
State's Exhibit 24	Photo	X
State's Exhibit 25	Photo	X
State's Exhibit 26	Photo	X
State's Exhibit 27	Photo	X
State's Exhibit 28	Rent Receipt	X
State's Exhibit 30	Videotape	X
State's Exhibit 32	Steve Moseson's Statement	X
Deft.'s Exhibit 1	Forensic Report	X



## SEARCH WARRANT

(X) State of Alabama

SL0105214

Case Number

( ) Municipality

VS.

STATE OF ALABAMA

In the \_\_\_\_\_ Court

Of Russell CountyJerry Whitley

Defendant

TO ANY LAW ENFORCEMENT OFFICER WITHIN THE STATE OF ALABAMA:

Affidavit in support of application for a search warrant having been made before me, and the Court's finding that grounds for the issuance exists or that there is probable Cause to believe that they exist, pursuant to Rule 3.8 Alabama Rules of Criminal Procedure, you are hereby ordered and authorized to fore with search:

THE FOLLOWING PERSON OR PLACE: a green and white trailer home on Rusk Drive, Phenix City, Alabama. This residence is between Lots #21 and #50 and accross from Lot #50. See exhibit A for diagram of area.

FOR THE FOLLOWING PROPERTY: There is being concealed at the above residence methamphetamine, materials for making methamphetamine, weapons and hazardous chemical byproducts form making methamphetamine. The use, possession and manufacturing being a violation of Sections 13A-12-211 and 13A-12-212 of The Code of Alabama, as Amended.

and make return of this warrant and an inventory of all property seized by me within \_\_\_\_\_ ( ) days (not to exceed ten (10) days as required by law.)

( ) This warrant may only be executed

( ) in the daytime between the hours of

\_\_\_\_\_ .M., and

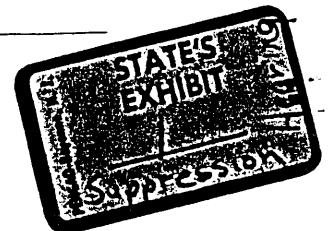
\_\_\_\_\_ .M.

( ) The Court finds probable cause to believe that a nighttime search is necessary and this warrant may by executed at any time of the day or night.

ISSUED TO: Agent Jason Whitten, Metro Narcotics Task Force.

at 8:25 o'clock, pm, this 21st day of September, 2001.

[Signature]  
Judge



## RETURN AND INVENTORY

I certify that I executed the foregoing Search Warrant as directed therein by searching the person or place therein described at 2045 o'clock PM, Sept. 21 2001, and:

( ) Did not find and seize any property located

or:

(☒) Found and seized the following described property and made return of same to the court at 2045 o'clock PM, Sept. 21 2001:

- 1) Ithaca 22 cal rifle model M49 (P. Truck TW)
- 2) Ruger M77 rifle 308 Cal (Red room TW)
- 3) Ruger 22 Cal Pistol Mark II (Safe) TW, 4) Davis 22. cal pistol 0m22.
- 5) Bryco Arms 9mm pistol J9 (Living room TW), 6) Ruger P-89 9mm Pistol (case TW)
- 7) Glock M-31 .357 pistol (Living room TW), 8) Radio Shack scanning receiver.
- 9) Three walkie-talkies, (10) Cobra scanner, (11) Three cell phones
- 12) CCTV Camera system, (13) Minolta camera 35mm
- 14) Canon Camcorder 8mm ~~15) Minolta camera 35mm~~
- 15) 4 Chemistry Books, 16) Night owl optics Night Vision
- 17) 7 pistol magazines, 18) Four boxes of pistol ammo
- 19) one briefcase w/ Papers, 20) four 8mm Tapes.
- 21) quantity of Methamphetamine, 22) Meth Making Materials
- 23) quantity of Marijuana, 24) Various paper work and documents.

( ) Copy or warrant and endorsed copy of inventory left in accordance with Rule 3.11(a), Alabama Rules of Criminal Procedure.

Date: 092101

S/O J. W. M16

Signature of Law Enforcement Officer

Agent, Metro N.T.F.

Title and Agency

## RECEIPT

I acknowledge receipt of return of the foregoing Search Warrant and all items, if noted on the foregoing inventory, at the date and time noted above.

Date: \_\_\_\_\_

\_\_\_\_\_  
Judge

ALABAMA  
DEPARTMENT OF FORENSIC SCIENCES541 AUBURN ROAD  
AUBURN, ALABAMA 36830  
(334) 887-7001P.O. BOX 3510  
AUBURN, ALABAMA 36831-3510  
FACSIMILE (334) 887-7531

## CERTIFICATE OF ANALYSIS

AGENT JASON WHITTEN  
METRO TASK FORCE  
510 10TH ST.  
COLUMBUS, GA 31901

CASE NUMBER: 01AB02507

SUBMITTING AGENCY CASE NUMBER: SL0105214

SUSPECT(S)	RACE	SEX	BIRTH DATE	STATUS
Jerry Whitley	W	M	/ /	Adult

SERVICE REQUESTED: Drug Analyses

## CHAIN OF CUSTODY:

RELINQUISHED BY	RECEIVED BY	DATE	TIME
Scene	Sherwin K Boswell	09/21/2001	915

## DESCRIPTION OF EVIDENCE:

1. One sealed manila envelope holding plant material.
2. One sealed manila envelope containing paper coffee filters holding residue.
3. One sealed manila envelope containing one partially charred piece of aluminum foil holding beige residue.
4. One plastic container sealed with a blue plastic lid holding a bi-layered liquid.
5. One large glass jar sealed with a white plastic pipe fitting and a metal fitting. The jar is holding an off-white sludge.
6. One sealed manila envelope containing paper coffee filters holding beige residue.
7. One glass jar holding a beige residue.
8. One glass jar holding a yellow substance.
9. One glass jar sealed with a white plastic lid holding a clear liquid.
10. One glass jar sealed with a metal lid holding a clear liquid.
11. One plastic container sealed with a blue plastic lid holding a cloudy liquid and off-white substance.
12. One sealed manila envelope containing one blister seal package labeled in part "ANTIHISTAMINE TABLETS Pseudoephedrine HCl 60 mg Triprolidine HCl 2.5 mg". The package is holding seventeen circular white tablets each imprinted "257" on one side and a single score on the opposite side.
13. One glass jar sealed with a wooden lid holding a clear liquid and off-white substance.
14. One large blue plastic jug sealed with a white plastic lid holding a cloudy liquid and white powder.
15. One glass jar sealed with a white plastic lid holding a cloudy liquid and off-white powder.

Continued On Page 2

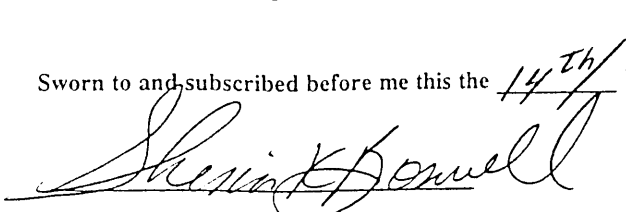
## DESCRIPTION OF EVIDENCE:

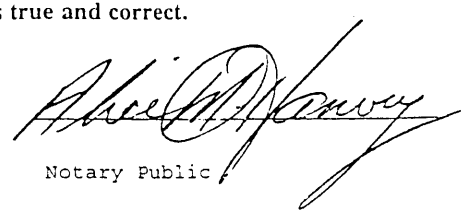
## RESULTS OF ANALYSES:

DATE(S) OF ANALYSES: 05/20/2002 - 06/11/2002

1. Laboratory analyses revealed the plant material to be marihuana. Weight in grams - 3.82
2. Laboratory analyses of the residue removed from the coffee filters revealed the presence of methamphetamine hydrochloride and pseudoephedrine. Methamphetamine is a Schedule II controlled substance. Pseudoephedrine is a precursor drug used in the manufacture of methamphetamine.
3. Laboratory analyses of the residue removed from the aluminum foil revealed the presence of d-methamphetamine hydrochloride and pseudoephedrine.
4. Laboratory analyses of the bottom layer of liquid revealed the presence of methamphetamine and pseudoephedrine. Laboratory analyses of the top layer of liquid failed to reveal the presence of any prohibited substance.
5. Laboratory analyses of the sludge revealed the presence of pseudoephedrine. Pseudoephedrine is a precursor drug used in the manufacture of methamphetamine.
6. Laboratory analyses of the residue removed from the coffee filters revealed the presence of d-methamphetamine and pseudoephedrine hydrochloride.
7. Laboratory analyses of the residue removed from the glass jar revealed the presence of d-methamphetamine and pseudoephedrine hydrochloride.
8. Laboratory analyses of the yellow substance revealed the presence of pseudoephedrine hydrochloride. Weight in grams - 16.50
9. Laboratory analyses of the liquid revealed the presence of d-methamphetamine and pseudoephedrine. Weight in grams - 500.00
10. Laboratory analyses of the liquid failed to reveal the presence of prohibited substance.
11. Laboratory analyses of the liquid and off-white substance revealed the presence of pseudoephedrine. Total weight in grams - 760.00
12. Laboratory analyses of the tablets revealed the presence of pseudoephedrine hydrochloride. These tablets are consistent with a product containing pseudoephedrine and triprolidine by Granutec. Pseudoephedrine is a precursor drug used in the manufacture of methamphetamine.
13. Laboratory analyses of the liquid and off-white substance revealed the presence of pseudoephedrine. Total weight in grams - 204.00
14. Laboratory analyses of the liquid and white powder revealed the presence of pseudoephedrine. Total weight in grams - 7,778.00
15. Laboratory analyses of the liquid and off-white powder revealed the presence of d-methamphetamine and pseudoephedrine. Total weight in grams - 1,435.00

Sworn to and subscribed before me this the 14<sup>th</sup> Day of June 20 02 as true and correct.

  
Sherwin K Boswell  
FORENSIC SCIENTIST IV  
Analyst

  
Notary Public



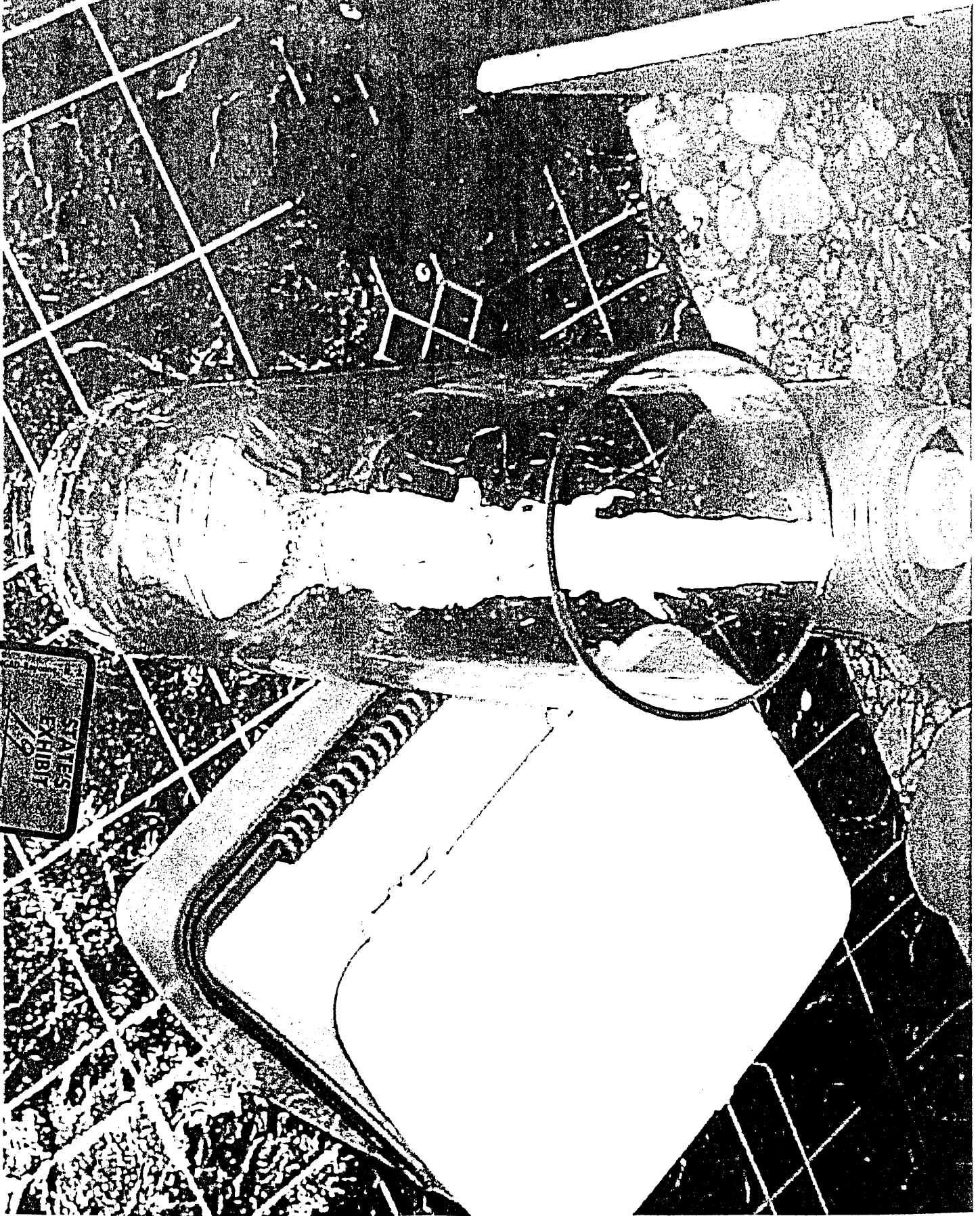


18

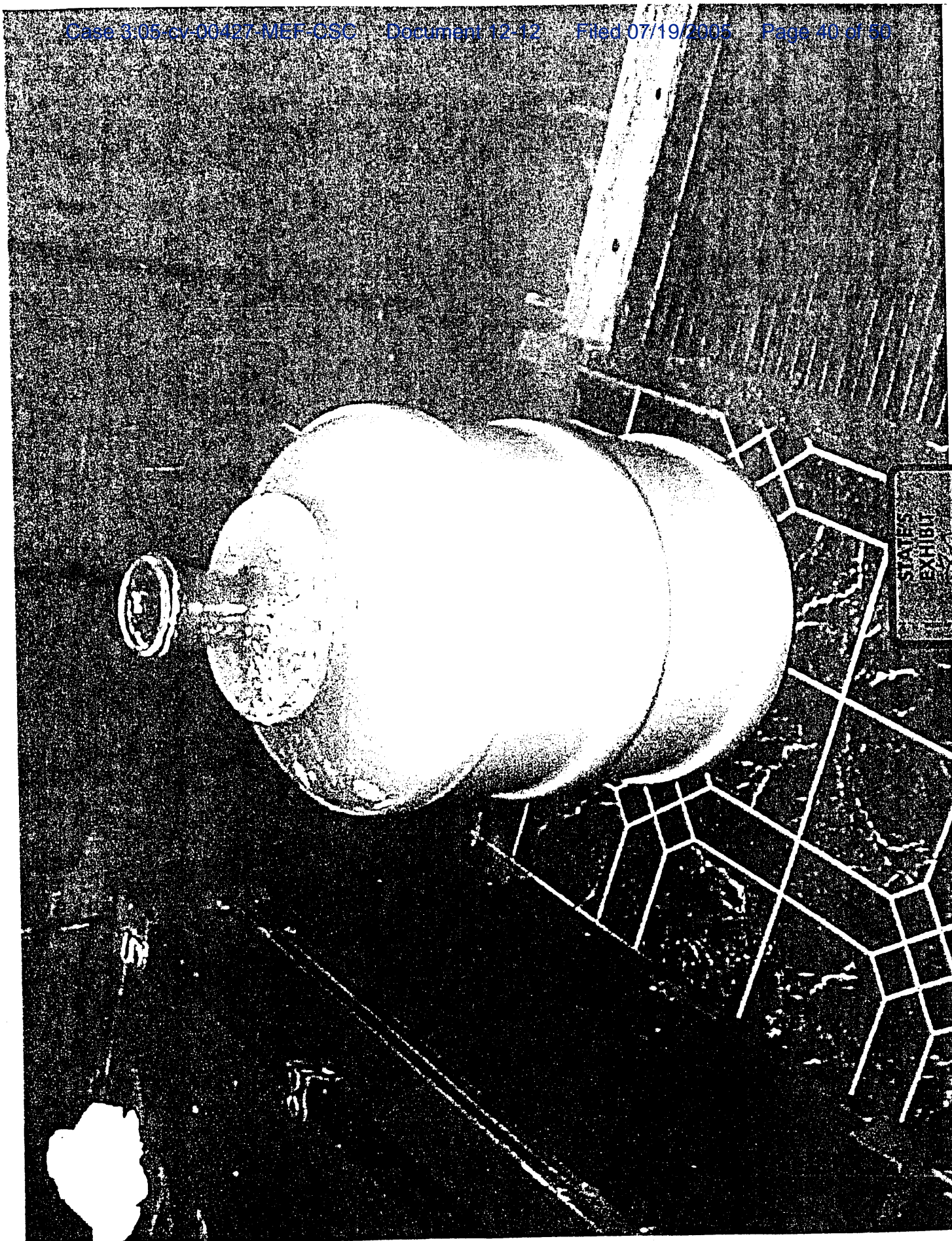




19



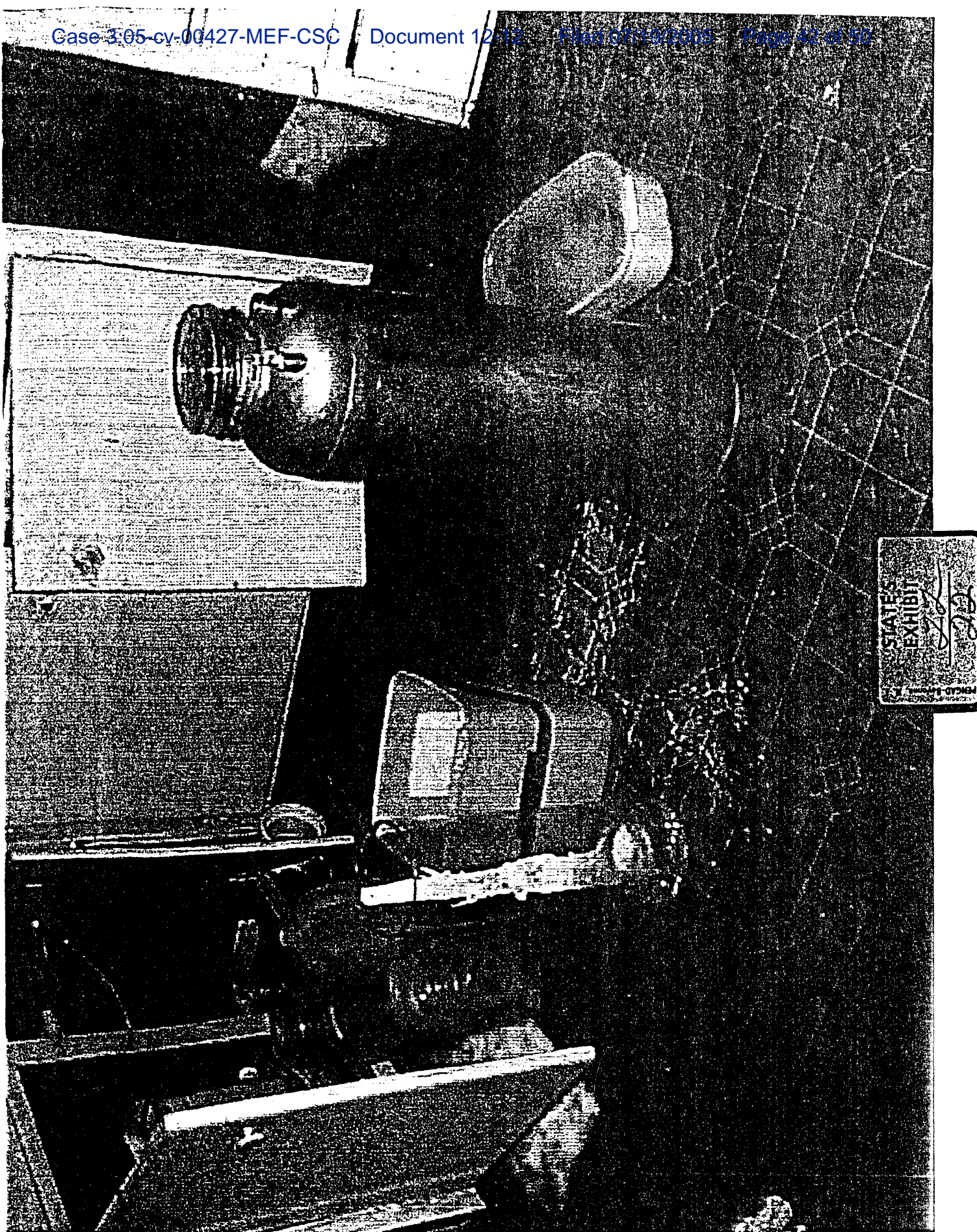








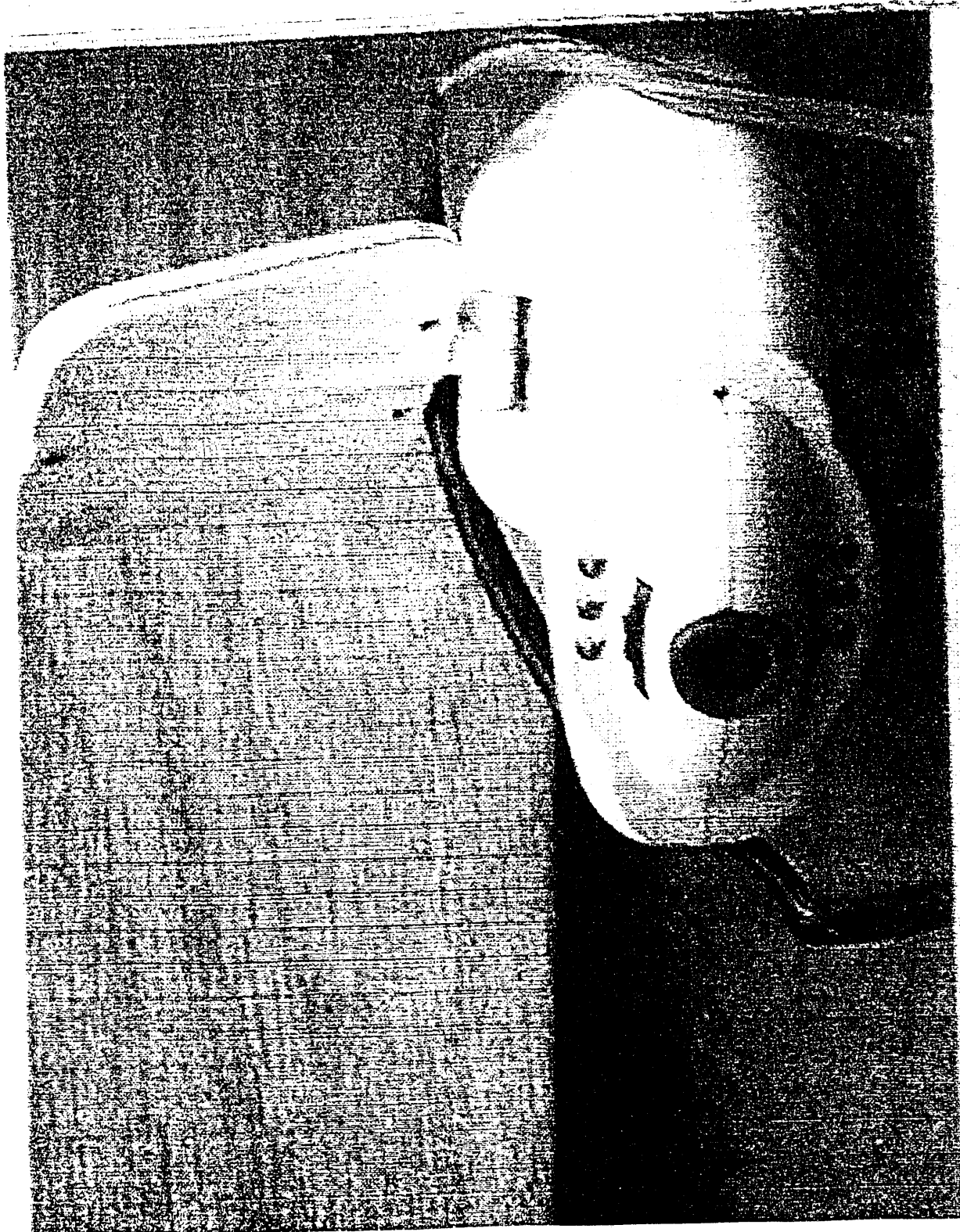




000530

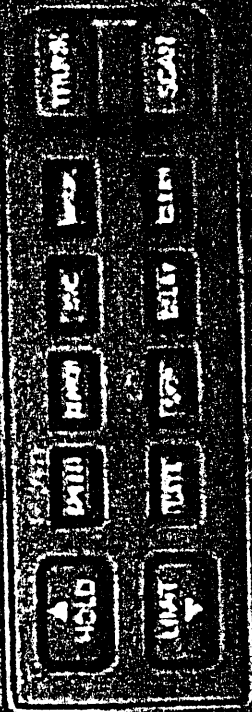






RadioShack

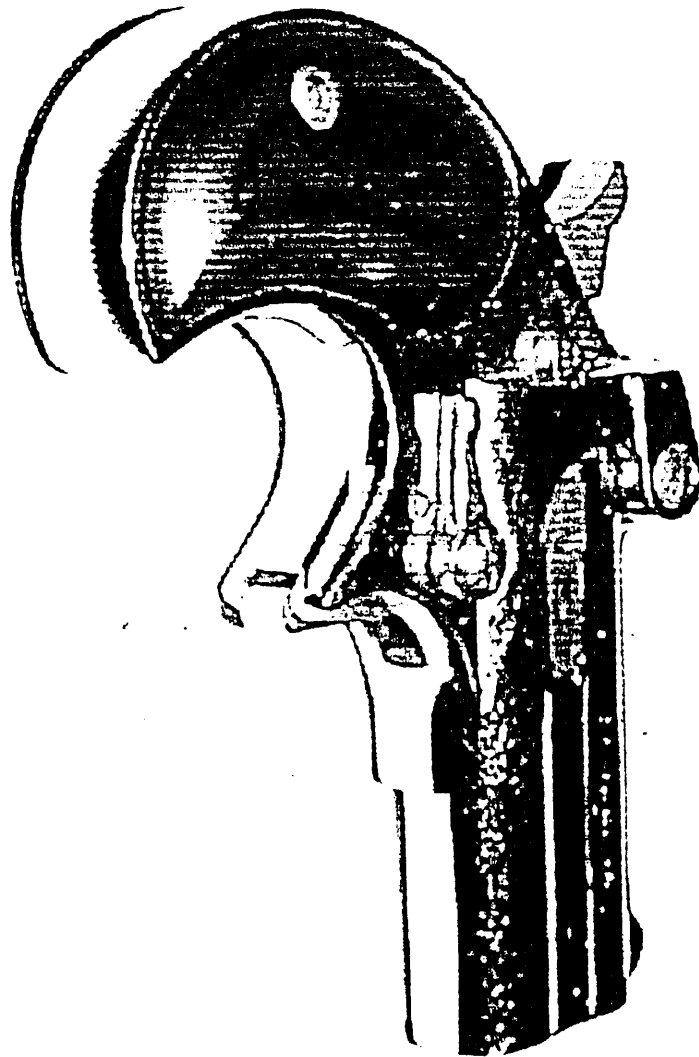
5 CH 460.075



1 2 3  
4 5 6  
7 8 9  
0 E  
PRG-0150

0000





26







Receipt  
Date 3-16-06 No. 189278

FROM Jerry \$450

Four Hundred + FIFTY DOLLARS

FOR RENT

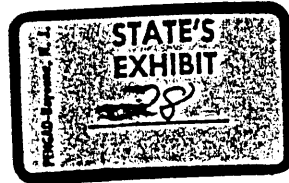
FOR \_\_\_\_\_

FROM \_\_\_\_\_ TO \_\_\_\_\_

ACCT	
PAID	<u>450.00</u>
DUE	

☒ cash  
☐ check  
☐ money  
☐ order

BY Carl DC 25.






IN THE CIRCUIT COURT OF RUSSELL COUNTY  
STATE OF ALABAMA

JERRY E. WHITLEY,	)	
Appellant,	)	
	)	CRIMINAL ACTION
v.	)	CASE NO. CC-02-186-188
	)	
STATE OF ALABAMA	)	
Appellee.	)	

CERTIFICATE OF INCAPABILITY OF PHOTOCOPYING EXHIBIT

I, Kathy Coulter, Clerk of the Circuit Court of Russell County, Alabama, do hereby certify that State's Exhibit 30 in the above-styled cause are incapable of being photocopied, and will upon request, be mailed or under separate cover to the Court of Criminal Appeals of Alabama.

Witness my hand and the Seal of the Circuit Court of Russell County, Alabama, this the 2nd day of July, 2003.

  
CLERK OF THE CIRCUIT COURT  
RUSSELL COUNTY, ALABAMA

Steve Moseson

All that I know is that Jerry  
The only one involved in the  
Manufacturing I was there that day  
to get dope and there was always  
a strong smell of ammonia there  
I only got dope for my own personal  
use I never gave anyone or sold  
anyone dope I never actually saw  
him making it because no one was  
allowed past the kitchen in the trailer  
~~There~~ Jerry Whitley was letting  
me use the truck (Chevrolet S10) to  
move because I was moving from my  
residence at #2 Faye Drive to Clegg's  
Fireworks stand on Highway 80 in Phoenix City  
my car a mercury sable that was broke  
down at Clegg's fireworks stand and  
I had known Jerry Whitley since I  
was 15 years old and that's why he allowed  
me to use his truck to move  
I have a drug problem I am addicted  
to meth amphetamines but I have no  
knowledge of how to make the stuff  
I need rehab and want to get my  
life straightened out I have an eight year  
old son who needs me and I miss him  
So.

Steve Moseson

12/27/05

